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ELLERY QUEEN'S *Mystery Magazine*®

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a **NEW** Henry-and-Ralph story by

JACK RITCHIE

The game's afoot again for our friends Henry and Ralph, the demon detectives of Milwaukee, who practice the Sherlockian method—keen observation of minutiae and sharp deductions therefrom. Henry Turnbuckle is a wiz at it—he definitely believes in the “more cerebral” processes of elimination and “the intricacies of the detective mind.” Who would want it any other way? . . .

THE SLIVER OF EVIDENCE

by **JACK RITCHIE**

“Ah, ha,” I said. “What have we here?” I bent down and lifted the toothpick from the floor.

“Careful, Henry,” Ralph said. “You wouldn’t want to smudge any fingerprints.”

He was joshing, I suspected.

Ralph smiled on. “Or toothmarks. You know how there have been cases where burglars have been nailed to their crimes because they left behind toothmarks in apples.”

I squinted in study. There were no toothmarks. “Ralph, this toothpick will send our murderer to the gallows, or its modern equivalent, which is twelve years and ten months, with good behavior.”

The toothpick had come to light when the men from the coroner’s office had removed the body. It had been under the victim’s left knee and clear of the blood.

“I see it so clearly, Ralph. The murderer and his victim confront each other. As the murderer strikes, his lips curl, thereby losing control of the toothpick, and it falls to the floor unnoticed.”

The victim’s name was Victor Latimer, 58, single, and he had been the owner and proprietor of the Lakeside Hotel. He had been

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stabbed only once, but sufficiently so as to cause his immediate death. His wallet had been undisturbed and there were no fingerprints on the murder weapon, a bread slicer.

His body had been discovered by the hotel's chief cook, a Maggie Henderson, when she entered the kitchen for her duties at five o'clock that morning. It was now nearly 6:30 A.M.

"Henry," Ralph said. "What makes you think that the toothpick belonged to the killer? Why couldn't it have been Latimer's? Why couldn't it have fallen out of *his* mouth?"

I chuckled tolerantly. "Ralph, it is all a matter of observation and subsequent deduction. Did you get a good look at the corpse?"

"Sure."

"And did you not notice that the victim either had perfect teeth, or a full set of dentures?"

Ralph recollected. "At his age they would have to be dentures."

"Excellent. And is it not a fact, Ralph, that people with dentures do not *require* the services of toothpicks?"

Ralph was awed by the information. "Henry, you've opened up a whole new world."

Maggie Henderson was a rather sturdy woman who, though pale, evidently did not believe in idle hands under any circumstances. Either that or it was simply her reaction to stress. While the lab and the coroner's men had been busy, she had retired to a quiet corner of the large kitchen, whipped together a cinnamon-raisin coffee cake, and eased it into one of the ovens.

I approached her. "How many guests do you have in this hotel?"

"Twenty-eight. Only I don't suppose you would call it a hotel nowadays. We don't cater to transients. We have mostly middle-aged and elderly people who like the convenience of hotel-living. We're booked solid and there are people on the outside who have been waiting years for an opening, which usually comes only when someone dies."

The Lakeview Hotel was a four-story structure in an older, semi-residential section of the city near the bluffs overlooking the lake.

"You discovered the body when you entered the kitchen this morning?"

"Yes."

"What time did you quit the previous evening?"

"Around eight. It's usually that late before everything's cleaned up. I do most of the cooking here, but not the serving or the dishwashing."

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I did some mathematics. "You put in a fifteen-hour day?"

"I take off a couple of hours after breakfast and lunch."

Still, it was a long day. "Last night, after eight, I presume there was no body on the floor when you left and went home?"

"I have a room on the fourth floor. I need to be here to start things off early in the morning."

According to the coroner's rule-of-thumb guess, Latimer had been dead for some time. It was the coroner's qualified opinion that death had occurred before ten last night.

"When you saw the body, did you touch anything?"

"Nothing. I just called the police."

"How long have you been working for Mr. Latimer?"

"Twenty-two years."

Ralph had been measuring the premises with his eyes. "Who gets the hotel now that Latimer's dead?"

She thought about that. "I guess that would be his brother. He's the only living relative Mr. Latimer had."

"And where is this brother now?"

"In the roominghouse next door."

I raised an eyebrow. "Next door? Why doesn't he room here?"

Maggie hesitated. "We're full up."

Obviously there was something else. I smiled grimly. "Is there something else?"

"Mr. Latimer and his brother didn't get along too well."

"Ah," I said, grasping the anomaly immediately. "If they did not get along too well, why does this mysterious brother choose to find a residence directly next door?"

She shrugged. "I don't know."

"Did Mr. Latimer have his quarters in this building?"

"He had a suite on the third floor."

"Why would he come down here to the kitchen after eight in the evening?"

"He likes to see that things are in order."

I began reconstructing the crime. "Latimer came down here after eight. Either the murderer was already in the kitchen or he entered later. A stranger? An intruder? No, I think not. There surely would have been some sign of a struggle had that been the case. But there was none. No, Latimer saw someone he knew. They quarreled. The murderer snatched up a knife and stabbed him. He then calmly wiped the fingerprints from the handle of the weapon and simply walked out. Yes, I am convinced that Latimer was killed by someone

he knew. And the odds are overwhelming that our murderer is someone in this very hotel."

Ralph had been staring at Maggie rather keenly.

I took him aside and whispered. "No, Ralph. I've already checked that. She wears full dentures."

Maggie's eyes had been on the chalked outline and the blood still on the floor. "Do you mind if I clean that up now?"

The guests in the hotel had, of course, been aroused by the commotion of our arrival, and most of them had dressed and gravitated downstairs, congregating in the lobby.

Ralph and I left the kitchen and surveyed them.

"Ralph," I said, "There are toothpicks and then there are toothpicks."

"That's profound, Henry."

"Not profound, Ralph. Specific. Basically, there are two types of wooden toothpicks. There are the slightly pliable flat ones, pointed at one end and rounded at the other. And then there are the more rigid toothpicks which taper to a sharp point at each end. The toothpick of our murderer is of the first kind—the more conservative, the more traditional. From which I deduce that our murderer is a man of middle-years or beyond."

"I would deduce that too, Henry."

I was rather surprised. "You would?"

"The only suspects we got are middle-aged or older."

Well, that *was* one way of narrowing down the field, but I thought mine was more cerebral. I studied the guests in the lobby again. My attention focused on one individual in particular. "Ralph, our murderer is at this moment among those people in the lobby and I know who he is."

Ralph scanned the occupants. "I don't see anybody with a toothpick in his mouth."

I smiled charitably. "Ralph, that would be too easy. We must remember that toothpick addicts do not necessarily have them in their mouths twenty-four hours a day." I almost rubbed my hands. "Ralph, what comes with a toothpick?"

"Natural teeth?"

"Besides that, Ralph."

"I give up."

"*More* toothpicks, Ralph. Can you picture an habitual toothpick user venturing into the world equipped with but a *single* toothpick? Of course not. Toothpicks fray, they break, they fall inadvertently

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from lips and are lost underfoot. No, the user of wooden toothpicks would constantly have to have a *supply* of them on his person."

"You mean we should search everybody and the one packing toothpicks is the murderer?"

"No, Ralph. That would be rather tedious on the face of it and perhaps unconstitutional. However we can use the process of elimination to further cut down the number of our suspects. Now, think, Ralph, what do we know about toothpick users so far?"

"Not too much."

"Ralph, in this latter portion of our twentieth century is it common, likely, or even remotely likely that you would find a *woman* using toothpicks?"

"Why not?"

"At table in economy restaurants, perhaps. But can you imagine a woman carrying a supply of wooden toothpicks on her person, not to mention having one of them between her lips at the very moment of the murder? Besides, there was no trace of lipstick on our toothpick. And nowadays practically all women wear at least lipstick."

Ralph brightened a bit. "So we eliminate women and men with full dentures. Maybe that does cut down the list at that. What do we do now, look into the mouths of people and segregate the men who still have their own teeth?"

"That will not be necessary, Ralph. As a matter of fact, I can point out our murderer at this very moment."

Ralph blinked. "You know which one of them murdered Latimer?"

"Of course."

"Which one is it?"

"Ralph," I said, "suppose you are a toothpick user and you have just helped yourself to a half score of toothpicks. Where on your person would you store them?"

"In my pocket?"

"Yes, but which one?"

"Does it matter?"

"Yes. Would you put them in the back pocket of your trousers? Certainly not. They would not meekly repose in such a roomy container. Their direction would lapse into anarchy and sitting down would become a dangerous adventure. In the front pockets? No. One would risk even more traumatic injury. In a suitcoat pocket? Again no. One could easily suffer skewered fingertips. No, Ralph. Think again. What is the *ideal* repository for a gaggle of toothpicks?"

"I give up."

"The vest, Ralph. Does it not strike you that the vest was practically invented for toothpicks? Its pockets are sufficiently snug so that the toothpicks cannot migrate helter-skelter. They lie there dormant, docile, side by side, and safely available."

Ralph's eyes ran over our suspects. "How many of them are wearing vests?"

"Just one. That tall large man in the corner—the one with the glitter to his smile."

Ralph and I plucked the individual in question from the lobby and took him to a small anteroom.

"Your name, please?" I asked.

"Horace Latimer."

"Hm," I said thoughtfully.

Latimer nodded. "I'm the brother of the deceased. I've got a room next door. And naturally when I saw and heard the police cars zeroing in, I came over to see what was happening."

Horace Latimer bore only a slight resemblance to his dead brother, partly, I suppose, because his physiognomy was a contour map of dissipation. The ruddiness of his complexion was obviously not a sign of rampant health.

"How did you and your brother get along?"

"We didn't."

"You are quite candid."

"Why lie? You'll find out anyway. We didn't get along at all. As a matter of fact, last week was the first time we talked to each other in twenty years."

"You talked to him last week? Why?"

"I was broke. I lost my job and went to him for a little loan."

"Did you get it?"

"He gave me fifty bucks and told me to get lost for another twenty years. He wouldn't even give me a bed for the night."

"You lost your job? What kind of job was that?"

"I worked the lake boats."

"But no more?"

"I had a small argument with a third mate and accidentally cut him up a little."

"You hadn't seen your brother in twenty years and you received no open-armed welcome? Then why did you rent a room in the boardinghouse next door? Surely there must be hundreds of other places where you might have found lodging?"

"When I left Vic, I dropped in at the bar nearby for a drink. I

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found out that they needed a spare bartender and so I took the job. I been tending bar in the winter when the boats are frozen in and I got a license. I don't have a car and I don't like to waste money on bus fare, so when somebody told me about the roominghouse, I decided to settle in."

"Have you ever been in trouble with the police?"

He smiled slyly. "A few times."

"Anything serious?"

"A couple of years ago a friend of mine got stabbed to death."

"And you were a suspect?"

"They took me in, but my alibi stood solid. I was with my girl friend Elsie when Jake was killed. She was ready to swear to that in court."

"Where were you last night? Tending bar?"

"I got the day shift. I was in bed."

Naturally I asked. "Alone?"

He leered gold and silver. "No. I was with Elsie."

I ran my tongue over my teeth. "I seem to have a sesame seed stuck between my teeth. You wouldn't happen to have a toothpick on you?"

He produced one from his vest pocket. "On the house."

I drew Ralph aside. "The man is utterly gross, brazen, and arrogant. Keep your eye on him. I'll be right back."

"Where are you going?"

"Back to the kitchen. I left our other toothpick on a counter. I'm going to make a comparison and I wouldn't be at all surprised if both toothpicks came from the same tree, possibly even abutting."

In the kitchen I found the murderer's toothpick and held both up to the light. To the naked eye they could have been clones.

Maggie Henderson watched me, probably wondering at the intricacies of the detective mind. Apparently giving up, she went to the large oven and pulled open the door. She peered critically at the cinnamon-raisin coffee cake, then reached into the pocket of her white uniform. She brought out a toothpick and inserted it into the cake. She withdrew it, regarded its clean contours, and said, "Done."

I stared at her uniform. There appeared to be a small hole in one of the pockets. The ends of several toothpicks peeked out. Soon one or more of them would work themselves free and fall to the floor.

I closed my eyes.

When I opened them, Maggie had removed the pan from the oven and put it on a wooden counter to cool.

She sighed. "I've been thinking it all over and I guess I might just as well confess. I killed Victor. I mean what's the use of trying to deny it anyway? You police got all of those scientists and laboratories and you'll find all kinds of clues. So I might as well confess now and get it over with and clear my conscience."

I matched and surpassed her sigh. "Okay. Why did you kill him?"

"He told me that he was going to marry some girl he'd met at the Hotelkeepers Convention in Sheboygan. She's a waitress at a topless bar and discotheque."

"Why did the fact that he was going to marry her disturb you that much?"

She regarded me placidly. "I been working here as a cook for twenty-two years, but that's not all I've been."

I thought that over and then blushed. "You don't mean that you and he—"

She nodded. "Of course everybody in the hotel knows and so I might as well admit that too. You can't keep a thing like that secret for twenty-two years. Maybe not even twenty-two days. For the record, I got a single room on the fourth floor, but the last time I used it was in 1966."

She poured herself some coffee. "Last night I was washing up a few things that the help forgot to do, when Victor came into the kitchen. He'd had a few drinks, like he always does when he wants to build up his courage about something, and then he came right out with it and said that he was going to marry this girl because he was crazy about her."

I nodded. "And in a fit of mad jealousy you snatched up the bread knife and stabbed him?"

"Not exactly. I mean the twenty-two years weren't all that great. No, I guess I really killed him because he wanted me to leave the hotel. He didn't care to have me around, even just as a cook, because he figured she'd find out about us and get upset."

I sympathized. "Twenty-two years? And there was never an offer of marriage?"

"He told me he'd marry me if I got pregnant. Ten years went by and one night when he had a little too much brandy, he accidentally spilled the news that he had got himself a vasectomy long before he ever hired me."

"You should have left him immediately."

"I know. But after ten years you get used to a situation. And besides, I liked being the cook here. The guests were all nice and

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friendly. They never pointed fingers or snickered. So I stayed."

I put sugar into the coffee she had poured for me. "But then after twelve more faithful, though bleak, years, he suddenly wished to cast you aside. You grabbed a knife, killed him, wiped the fingerprints off the—"

"I didn't think anything about fingerprints. I just happened to be wearing rubber gloves because I was washing dishes."

Her handkerchief absorbed the trail of a tear. "I really don't mind so much for myself. I'm ready to take my punishment. It's just that I've failed Wendy."

"Wendy? Who's Wendy?"

"My niece. My sister's daughter. My sister is a widow. Her husband died when Wendy was born. He was a real sincere type person who thought it was his duty to be present at the birthing. He died of shock."

Maggie sighed. "So there was my sister with the kid and all alone and either she had to get a job and neglect the baby or go on Aid for Dependent Children and just scratch along. So I told her to go on AFDC and I been helping her out so that she's got a higher standard of living. I might have moved in with her myself, only that was when I didn't know about Victor's vasectomy and still had my own hopes."

She shook her head sadly. "Wendy did real good at school and now she's a pre-med student. She's going to specialize."

"Ah, yes. Gynecology?"

"No. Male diseases. She always was a spunky little devil. She told me personally that some day she's going to find a cure for euphoria. But her dream is over now because she needs my financial help to see her through medical school and I won't be able to give it any more."

I pondered. A basically good woman who had been cruelly deceived would be sent to prison and this hotel would fall into the hands of a man who had undoubtedly committed murder in the past.

"Maggie," I said, "do you realize that you were Victor Latimer's common-law wife?"

She seemed surprised. "I was? I thought I was just a—"

I held up a hand. "No, you were his common-law wife. The statutes are very firm on that. And as his common-law wife you are now his common-law widow. And further, the inheritance rights of common-law widows take absolute precedence over the inheritance rights of estranged brothers of the deceased."

She thought about that. "But I killed Victor. I know that a murderer isn't supposed to profit from her murder."

"How tragically true. And so Victor's brother will get the hotel. Wendy's hopes and dreams for a medical career will be shattered. At best she will probably have to settle for Licensed Practical Nurse. And while you are in Taycheedah, Victor's brother will be smoking five-dollar cigars and trying to make out with the new cook."

She was unhappy, but resigned. "Well, that's the way it goes."

I finished my cup of coffee. "I will now read you your rights, which I have forgotten to do as of this moment. Then I will take you to police headquarters. Your confession will be taped and transcribed by a stenographer and you will be asked to sign all five copies. It's lucky for us you confessed. Actually we don't have one shred of solid evidence against you."

She stood up. "Don't worry. I'll cooperate."

"Hm," I said. "That's what you say now. But what will happen when you get to headquarters? You will probably retract that confession. You will claim that you were browbeaten into making one. Or, worse yet, you might even go so far as to maintain that you had never made any at all to anyone in the first place. You might decide to just sit tight and not rock the boat and get rid of your toothpicks, knowing that nobody can really prove that you killed Victor Latimer."

I consulted my watch. "Well, let's get on to headquarters and put that confession on record before you change your mind."

She stared at me for five seconds. "What confession?"

"See," I said. "I just *knew* that would happen."

I had another cup of coffee and two pieces of cinnamon-raisin cake before I rejoined Ralph.

"What kept you so long?" he asked.

"Ralph, did you ever realize that one toothpick looks pretty much like another toothpick?"

He agreed. "Henry, I got to admire your brain. Now and then. It was absolutely brilliant how you picked up that little toothpick and came up with all the right answers and led us to the murderer."

"Well, it is just possible that I may have—"

"Brilliant, Henry. And so now I know and you know that Horace Latimer murdered his brother. Probably to get the hotel. But, Henry, we got to face reality. What hard evidence do we really have against him? Suppose we went to the captain with those toothpicks and our conclusions. He'd laugh us out of his office. Maybe he'd even giggle.

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BEST LAID SCHEME

Would you want something like that to happen to us, Henry?"

I frowned. Euphoria?

Ralph put a hand on my shoulder. "Henry, I think that you and I ought to keep this under our hats. About the toothpicks, I mean. At least until we get some really hard evidence." Pessimism touched his brow. "But somehow this time I got the gut feeling that we're never going to send our murderer to jail."

How true that was.

"Q"

"Give me the gun, darling—I'll handle everything." . . .

BEST LAID SCHEME

by **DOROTHY A. COLLINS**

The judge's wife walked over to the young attorney and pressed a gun into his hand.

"The judge is in his study," she said softly. "Go in there and shoot him. I'll give you an alibi, darling."

The young lawyer recoiled. "You must be out of your mind!" he said, appalled. "How can you even think of such a thing?"

"It's all I've been thinking of for a long time," she answered, cupping his face in her hands and kissing him hungrily. "I want you. And we need his money if we're to have any kind of life together. Do it for me, my love."

"Impossible," he said, horror reflected in his voice. But she wrapped her arms around him more tightly and covered his face with kisses. "I must have you," she murmured. "You and the judge's fortune. I'll do it myself if I have to. Give me the gun, darling—I'll handle everything."

"No!" he cried, and as he struggled to free himself, the gun went off and shot him through the heart.

And that was how it happened that the young attorney died defending His Honor.

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